

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

JOSE PIMENTEL,
a/k/a "Muhammad Yousuf,"
a/k/a "Yusuf,"

Defendant.

INDICTMENT

INTRODUCTION TO THE CONSPIRACY COUNT

With regard to the First Count of this indictment, the Grand Jury charges that defendant JOSE PIMENTEL, a/k/a "Muhammad Yousuf," a/k/a "Yusuf," built and attempted to build explosive devices as part of his plan to use violence to influence the foreign policy of the United States government by intimidation and coercion, specifically by committing acts of violence against United States military personnel and others to force the United States to withdraw its military presence from the Middle East and in retaliation for the presence of the United States military in the Middle East. Defendant also intended to coerce and intimidate the civilian population in New York City and the surrounding area to undermine support for the wars in Iraq and Afghanistan.

Defendant, who lived in Manhattan, converted to Islam in or about 2004 and began using the names "Muhammad Yousuf" and "Yusuf." He created and maintained websites dedicated to storing and disseminating materials relating to violent jihad, including jihadist literature, videos, and audio files. The websites he created included www.trueislam1.com (formerly www.trueislam12@blogspot.com) ("TrueIslam") and the YouTube channel Mujahidfisabillilah1. The subject matter of the material stored and disseminated by defendant from these websites advocated the use of violence against the United States, both

domestically and abroad; the assassination of United States political, governmental, and military officials; and the training and operation of military forces fighting the United States in the Middle East. Defendant also stored and disseminated from his websites detailed manuals relating to the construction and detonation of explosives, including six issues of the Al Qaeda publication “Inspire Magazine”; an Inspire Magazine article entitled, “How to Build a Bomb in the Kitchen of Your Mom”; a 417-page manual entitled, “Organic Chemistry of Explosives”; and a 374-page manual entitled, “The Preparatory Manual of Explosives.”

To achieve his objectives, defendant and a confidential informant known to the Grand Jury (“the confidential informant”) agreed to build improvised explosive devices, specifically pipe bombs, and detonate them in New York City and elsewhere to cause damage to property, and injury and death to individuals. During the period of the conspiracy, defendant repeatedly directed the confidential informant to visit the websites TrueIslam and Mujahidfisabillillah¹ as instructional resources for the construction and detonation of improvised explosive devices. At various times defendant referred to materials he posted on these sites, particularly Al Qaeda materials, as his guides to the construction of explosive devices, culminating in the successful construction of one explosive device and the attempted construction of two others.

FIRST COUNT:

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant, JOSE PIMENTEL a/k/a “Muhammad Yousuf,” a/k/a “Yusuf,” of the crime of **CONSPIRACY IN THE FOURTH DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 105.10(1)/490.25(1), committed as follows:

The defendant, in the County of New York and elsewhere, from in or about August 2011 to in or about November 2011, with intent that conduct constituting a class B felony be performed, to wit, Criminal Possession of a Weapon in the First Degree, did agree with one and more persons to engage in and cause the performance of such conduct, with intent to intimidate and coerce a civilian population, to influence the policy of a unit of government by intimidation and coercion, and to affect the conduct of a unit of government by murder, assassination, and kidnapping.

OVERT ACTS

In furtherance of the conspiracy, and to effect its objectives, the following overt acts, among others, were committed in New York County and elsewhere:

1. On or about August 13, 2011, defendant met with the confidential informant at the confidential informant's apartment in New York County to discuss defendant's plan to harm and influence the United States government through acts of violence.
2. On or about September 7, 2011, defendant met with the confidential informant at the confidential informant's apartment in New York County to discuss defendant's plan to harm and influence the United States government through acts of violence.
3. On or about September 8, 2011, defendant and the confidential informant attempted to download bomb-making materials and jihadist literature from TrueIslam to a computer in New York County.

4. On or about September 9, 2011, defendant, in New York County, gave the confidential informant a flash drive containing jihadist literature and manuals relating to the construction and detonation of explosives.
5. On or about October 18, 2011, defendant met with the confidential informant at the confidential informant's apartment in New York County and discussed defendant's plan to harm and influence the United States government through acts of violence.
6. On or about October 23, 2011, defendant began following instructions from the Inspire Magazine article entitled, "How to Build a Bomb in the Kitchen of Your Mom" to construct improvised explosive devices, specifically pipe bombs.
7. On or about October 23, 2011, defendant purchased a clock in accordance with the bomb-making instructions from TrueIslam.
8. On or about October 25, 2011, defendant and the confidential informant, in New York County, reviewed material from TrueIslam concerning the construction and detonation of explosives.
9. On or about October 25, 2011, defendant and the confidential informant, in New York County, reconfigured a clock to turn it into a timing mechanism in accordance with the bomb-making instructions from TrueIslam.
10. On or about October 28, 2011, defendant stole a one hundred dollar bill from his uncle in New York County.
11. On or about October 28, 2011, defendant and the confidential informant drove to a Home Depot located at 600 Exterior Street, Bronx, New York.

12. On or about October 28, 2011, defendant purchased pipe elbows, work gloves, and Christmas lights from a Home Depot located at 600 Exterior Street, Bronx, New York.
13. On or about October 28, 2011, defendant and the confidential informant went to a hardware store in New York County.
14. On or about October 28, 2011, defendant purchased metal pipe end caps from a hardware store in New York County.
15. On or about October 28, 2011, defendant and the confidential informant went to a 99 Cent store in New York County.
16. On or about October 28, 2011, defendant purchased from a 99 Cent store in New York County: (i) nails; (ii) two clocks; (iii) latex gloves; (iv) matches; (v) drill bits; and (vi) batteries.
17. On or about October 28, 2011, defendant and the confidential informant went to a supermarket in New York County.
18. On or about October 28, 2011, defendant and the confidential informant purchased sugar from a supermarket in New York County.
19. On or about November 4, 2011, defendant and the confidential informant met at the confidential informant's apartment in New York County and discussed defendant's plan to harm and influence the United States government through acts of violence.
20. On or about November 4, 2011, defendant and the confidential informant, in New York County, reviewed material from TrueIslam concerning the construction and detonation of explosives.

21. On or about November 4, 2011, defendant and the confidential informant, in New York County, unfurled, stripped, and cut Christmas light wires in accordance with the bomb-making instructions from TrueIslam.
22. On or about November 4, 2011, defendant and the confidential informant, in New York County, connected the Christmas light wires to a battery in accordance with the bomb-making instructions from TrueIslam.
23. On or about November 4, 2011, defendant and the confidential informant, in New York County, connected the battery to a light bulb in accordance with the bomb-making instructions from TrueIslam.
24. On or about November 4, 2011, defendant in New York County, scraped match heads into a bowl in accordance with the bomb-making instructions from TrueIslam.
25. On or about November 14, 2011, defendant met with the confidential informant at the confidential informant's apartment in New York County to discuss defendant's plan to harm and influence the United States government through acts of violence.
26. On or about November 14, 2011, defendant, in New York County, scraped match heads into a bowl to make explosive powder for a bomb in accordance with the bomb-making instructions from TrueIslam.
27. On or about November 14, 2011, defendant, in New York County, filtered the match heads in accordance with the bomb-making instructions from TrueIslam.
28. On or about November 14, 2011, defendant, in New York County, mixed the powder made from match heads with sugar in accordance with the bomb-making instructions from TrueIslam.

29. On or about November 14, 2011, defendant and the confidential informant, in New York County, reviewed the content of various websites for information about purchasing a drill.
30. On or about November 18, 2011, defendant met with the confidential informant in New York County.
31. On or about November 18, 2011, defendant and the confidential informant drove to a Home Depot located at 600 Exterior Street, Bronx, New York.
32. On or about November 18, 2011, defendant and the confidential informant purchased a drill and a drill bit from a Home Depot located at 600 Exterior Street, Bronx, New York.
33. On or about November 18, 2011, defendant and the confidential informant drove to a Target store located at 700 Exterior Street, Bronx, New York.
34. On or about November 18, 2011, defendant and the confidential informant purchased a clock from a Target store located at 700 Exterior Street, Bronx, New York.
35. On or about November 19, 2011, defendant met with the confidential informant at the confidential informant's apartment in New York County to review material from TrueIslam concerning the construction and detonation of explosives.
36. On or about November 19, 2011, defendant, in New York County, put on latex gloves to handle bomb-making components.
37. On or about November 19, 2011, defendant and the confidential informant, in New York County, reconfigured a clock to turn it into a timing mechanism in accordance with the bomb-making instructions from TrueIslam.

38. On or about November 19, 2011, defendant, in New York County, drilled holes in three pipe elbows in accordance with the bomb-making instructions from TrueIslam.
39. On or about November 19, 2011, defendant, in New York County, screwed an end-cap into one of the elbow pipes in accordance with the bomb-making instructions from TrueIslam.
40. On or about November 19, 2011, defendant and the confidential informant, in New York County, drilled two holes in the back of the reconfigured clock in accordance with the bomb-making instructions from TrueIslam.
41. On or about November 19, 2011, defendant and the confidential informant, in New York County, completed a live circuit by connecting a battery to a light bulb using the wires from Christmas tree lights in accordance with the bomb-making instructions from TrueIslam.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, JOSE PIMENTEL, a/k/a “Muhammad Yousuf,” a/k/a “Yusuf,” of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.04(1)/490.25(1), committed as follows:

The defendant, in the County of New York, on or about November 19, 2011, possessed an explosive substance, to wit, a pipe bomb, with intent to use the same unlawfully against the person and property of another, and with intent to intimidate and coerce a civilian population, to influence the policy of a unit of government by intimidation

and coercion, and to affect the conduct of a unit of government by murder, assassination, and kidnapping.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, JOSE PIMENTEL, a/k/a “Muhammad Yousuf,” a/k/a “Yusuf,” of the crime of **ATTEMPTED CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 110.00/265.04(1)/490.25(1), committed as follows:

The defendant, in the County of New York, on or about November 19, 2011, attempted to possess an explosive substance, to wit, a pipe bomb, with intent to use the same unlawfully against the person and property of another, and with intent to intimidate and coerce a civilian population, to influence the policy of a unit of government by intimidation and coercion, and to affect the conduct of a unit of government by murder, assassination, and kidnapping.

FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, JOSE PIMENTEL, a/k/a “Muhammad Yousuf,” a/k/a “Yusuf,” of the crime of **ATTEMPTED CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 110.00/265.04(1)/490.25(1), committed as follows:

The defendant, in the County of New York, on or about November 19, 2011, attempted to possess an explosive substance, to wit, a pipe bomb, with intent to use the same unlawfully against the person and property of another, and with intent to intimidate and coerce a civilian population, to influence the policy of a unit of government by intimidation and coercion, and to affect the conduct of a unit of government by murder, assassination, and kidnapping.

FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, JOSE PIMENTEL, a/k/a “Muhammad Yousuf,” a/k/a “Yusuf,” of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE** in violation of Penal Law § 265.02(1) committed as follows:

The defendant, in the County of New York, on or about November 19, 2011, possessed a dangerous and deadly instrument and weapon, to wit, a pipe bomb, with intent to use the same unlawfully against another.

CYRUS R. VANCE, JR.
District Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

JOSE PIMENTEL,
a/k/a "Muhammad Yousuf,"
a/k/a "Yusuf,"

Defendant.

SPECIAL INFORMATION
(CPL §200.60(2) relating to
Ind. No. _____
filed herewith.)

I, Cyrus R. Vance, Jr., District Attorney for the County of New York, by this information, accuse the defendant of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, in violation of Penal Law §265.02(1) committed as follows:

The defendant on or about February 27, 2006, in County Court, County of Schenectady, was duly convicted of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE**, in violation of Penal Law § 165.45-1.

Dated: New York, New York
February 16, 2012

CYRUS R. VANCE, JR.
District Attorney

Filed:

CCI

2011NY084689

No.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

JOSE PIMENTEL,
a/k/a "Muhammad Yousuf,"
a/k/a "Yusuf,"

Defendant.

INDICTMENT

CONSPIRACY IN THE FOURTH DEGREE AS A CRIME OF TERRORISM, P.L. 105.10(1)/490.25(1)
CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE AS A CRIME OF TERRORISM, P.L. 265.04(1)/490.25(1)
ATTEMPTED CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE AS A CRIME OF TERRORISM, P.L.
110.00/265.04(1)/490.25(1) (2 COUNTS)
CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE, P.L. §265.02(1)

CYRUS R. VANCE, JR., District Attorney

A True Bill

Brian J. Fields
Rackets Bureau

Foreman

ADJOURNED TO PART F ON 3/1/2012